



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: John R. Liddicoat et al.
Serial No.: 10/724,854
Filing Date: 12/01/2003
Title: APPARATUS AND METHOD
FOR MANIPULATING TISSUE
Group Art Unit: 3773
Examiner: Vy Q. Bui
Attorney's Docket No.: LIDDICOHN-123

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS BEING DEPOSITED
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June 22, 2009

(DATE OF DEPOSIT)

Margaret M. Carley

(NAME OF ATTORNEY)

Margaret M. Carley

(SIGNATURE)

June 22, 2009

(DATE OF SIGNATURE)

RESPONSE

This is in response to the Official Action currently
outstanding with respect to the above-identified patent
application.

Claims 40-54 stand subject to a restriction requirement
under 35 USC 121.

More particularly, the Examiner indicated that the
application contains claims directed to the following
patentably distinct species:

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Species 1: Figs. 1-4.

1.1. Sub-species 1: Figs. 5-10.

1.2. Sub-species 2: Figs. 11-12.

Species 2: Figs. 13-18.

2.1. Sub-species 1: Figs. 19-22.

2.2. Sub-species 2: Figs. 23-24.

Species 3: Figs. 25-31.

The Examiner also indicated that Applicants are required under 35 USC 121 to elect a single disclosed species/sub-species for prosecution on the merits.

In response, Applicants hereby elect, without prejudice, to prosecute the species of Species 1: directed to Figs. 1-4 and the sub-species of Sub-species 1: directed to Figs. 5-10. Applicants believe that this species and sub-species is directed to claims 40-53.

Applicants expressly reserve the right to prosecute all non-elected subject matter in related applications.

In the event that any fees may be required in this matter,
please charge the same to Deposit Account No. 16-0221.

Thank you.

Respectfully submitted,



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